

**NOTICE OF INTENT TO AMEND THE RULES TO THE
GEORGIA BOARD OF CHIROPRACTIC EXAMINERS,
BOARD RULE 100-17-.01 *REVIEW AGENTS.*, AND
NOTICE OF PUBLIC HEARING.**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Chiropractic Examiners, (hereinafter "Board") proposes amendments to the Georgia Board of Chiropractic Examiners, Chapter 100-17 Review Agents and Board Rule 100-17-.01 Review Agents (hereinafter "proposed rule amendment").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 a.m. to 5:30 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia Board of Chiropractic Examiners web page at <http://www.sos.ga.gov/plb/chiropractic>. Copies may also be requested by contacting the Georgia Board of Chiropractic Examiners office at 478-207-2440.

A public hearing is scheduled to begin at 10:00 a.m. on January 21, 2010 at the Professional Licensing Boards Division, 237 Coliseum Dr., Macon, GA 31217 to provide the public an opportunity to comment upon and provide input on the rule amendments. At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments must be received on or before January 14, 2010. Written comments should be addressed to Randall Vaughn, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Chiropractic Examiners, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 866/888-1304.

The proposed rule amendment will be considered for adoption by the Georgia Board of Chiropractic Examiners at its meeting scheduled to begin at 10:05 a.m. on January 21, 2010, at the Professional Licensing Boards Division, 237 Coliseum Dr., Macon, GA 31217. According to the Department of Law, State of Georgia, the Georgia Board of Chiropractic Examiners has the authority to add this new rule pursuant to authority contained in OCGA §§ 43-1-25, 43-9-1, 43-9-6.1, 43-9-12, 43-9-12.1, 43-9-16.

At its meeting on November 19, 2009 meeting, the Board voted that the formulation and adoption of this new rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully

accomplishes the objectives of OCGA §§ 43-1-25, 43-9-1, 43-9-6.1, 43-9-12, 43-9-12.1, 43-9-16.

Also, at its meeting on November 19, 2009 the Board voted that it is not legal or feasible to meet the objectives of OCGA §§ 43-1-25, 43-9-1, 43-9-6.1, 43-9-12, 43-9-12.1, 43-9-16 to adopt or implement differing actions for businesses as listed at O.C.G.A. §50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of chiropractic.

For further information, contact the Board office at 478-207-2440.

This notice is given in compliance with O.C.G.A. §50-13-4.

This 7th day of December, 2009.

Randall D. Vaughn
Division Director
Professional Licensing Boards

Posted: December 7, 2009

**SYNOPSIS OF THE PROPOSED
RULE AMENDMENTS TO BOARD RULE 100-17-.01 REVIEW AGENTS.**

Purpose: Requires all review agents to have the physiotherapy modalities certification.

Main Features: Allows for a grandfather period for consideration of licensees as review agents.

DIFFERENCES OF THE PROPOSED NEW BOARD RULE 100-17-.01 REVIEW AGENTS.

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

100-17-.01 Review Agent.

- (1) For purposes of this rule “Review Agent” means any person rendering a professional chiropractic written or verbal opinion, which has the capacity or intent of affecting the frequency, duration, necessity, or outcome of chiropractic treatment or patient care and who is being compensated by a 3rd party payer or other contractual parties.
- (2) Chiropractic care shall include offering or rendering a professional chiropractic written or verbal opinion, which has the capacity or intent of affecting the frequency, duration, necessity, or outcome of chiropractic treatment or patient care. Any person practicing as a Review Agent in Georgia must:
- (a) notify the Georgia Board of Chiropractic Examiners of his/her intent to act as a review agent. Such notification must include the individual’s Georgia license number.
 - (b) possess a valid Georgia chiropractic license;
 - (c) have completed a certification program totaling a minimum of 100 hours in performing utilization peer review;
 - (d) ~~if rendering an opinion on the appropriateness of physiotherapy modalities, must have the certification listed as a secondary license type on their Georgia license~~ have the physiotherapy modalities certification listed as a secondary license type on their Georgia license;
 - (e) identify themselves by name, degree designation, location of practice, and Georgia chiropractic license number;
 - (f) have established not less than five (5) years of active private clinical practice in Georgia immediately prior to rendering such opinion; and
 - (g) have earned a minimum of seventy percent (70%) of chiropractic related income from the active treatment of patients in Georgia in each of the previous five (5) years.
- (3) Licensed chiropractors conducting peer review on behalf of a Georgia professional association, as approved by the board by policy, are exempt from this rule.
- (4) Effective from the effective date of this rule amendment through January 31, 2010, the Board will consider requests from Georgia licensed doctors of chiropractic to be grand-fathered as Review Agents.

Authority OCGA §§ 43-1-25, 43-9-1, 43-9-6.1, 43-9-12, 43-9-12.1, 43-9-16.